

#### § 101.1329

(2) Demonstrates that the licensee has substantially complied with applicable Commission Rules, policies, and the Communications Act of 1934, as amended;

(3) Provides an explanation of the licensee's record of expansion, including a timetable of the construction of new facilities to meet changes in demand for services provided by the licensee; and (4) Provides a description of investments made by the licensee in its system.

(b) In determining whether a renewal applicant has complied with the "substantial service" requirement by the end of the ten-year initial license term, the Commission may consider factors such as:

(1) Whether the licensee is offering a specialized or technologically sophisticated service that does not require a high level of coverage to be of benefit to customers; and

(2) Whether the licensee's operations service niche markets or focus on serving populations outside of areas served by other licensees. The "substantial service" requirement can, however, be met in other ways, and the Commission will review each licensee's showing on a case-by-case basis.

(c) A "substantial service" assessment will be made at renewal pursuant to the procedures contained in § 1.949 of this chapter.

EFFECTIVE DATE NOTE: At 65 FR 17450, Apr. 3, 2000, subpart O, consisting of §§ 101.1301–101.1333 was added. Section 101.1327 contains an information collection requirement that is not effective until it has been approved by the Office of Management and Budget.

#### § 101.1329 EA Station license, location, modifications.

EA licensees may construct master and remote stations anywhere inside the area authorized in their licenses, without prior approval, so long as the Commission's technical and other Rules are complied with, except that individual licenses are required for any master station that:

(a) Requires the submission of an environmental assessment under § 1.1307 of this chapter;

(b) Requires international coordination; or

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(c) Would affect the radio frequency quiet zones described in § 1.924 of this chapter.

#### § 101.1331 Treatment of incumbents.

(a) Any station licensed by the Commission prior to July 1, 1999, as well as any assignments or transfers of such station as of January 19, 2000, shall be considered incumbent.

(b) Incumbent operators in the 928.0–928.85/952.0–952.85/956.25–956.45 MHz bands are grandfathered as of January 19, 2000, and may continue to operate and expand their systems pursuant to the interference protection and co-channel spacing criteria contained in § 101.105.

(c) Incumbent operators in the 928.85–929.0/959.85–960.0 MHz bands are grandfathered as of January 19, 2000, and may expand their systems provided that the signal level of the additional transmitter(s) does not increase the composite contour that occurs at a 40.2 kilometer (25-mile) radius from the center of each master station transmitter site. Incumbent operators and geographic area licensees may negotiate alternative criteria.

(d) The frequencies associated with incumbent authorizations in the 928/959 MHz bands that have cancelled automatically or otherwise been recovered by the Commission will automatically revert to the applicable EA licensee.

(e) The frequencies associated with incumbent authorizations in the 928/952/956 MHz bands that have cancelled automatically will revert to the Commission.

#### § 101.1333 Interference protection criteria.

(a) *Frequency coordination.* All EA licensees are required to coordinate their frequency usage with co-channel adjacent area licensees and all other affected parties.

(b) EA licensees are prohibited from exceeding a signal strength of 40 dBμ/m at their service area boundaries, unless a higher signal strength is agreed to by all affected co-channel, adjacent area licensees.

(c) EA licensees are prohibited from exceeding a signal strength of 40 dBμV/

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m at incumbent licensees' 40.2 kilometer (25-mile) radius composite contour specified in § 101.1329(b).

(d) In general, licensees shall comply with the appropriate coordination agreements between the United States and Canada and the United States and Mexico concerning cross-border sharing and use of the applicable MAS frequencies.

(1) *Canada—932.0–932.25 MHz and 941.0–941.25 MHz:*

(i) Within Lines A, B, C, and D, as defined in § 1.928(e) of this chapter, along the U.S./Canada border, U.S. stations operating in the 932.0–932.25 MHz and 941.0–941.25 MHz bands are on a secondary basis and may operate provided

that they shall not transmit a power flux density (PFD) at the border greater than  $-100$  dBW/m<sup>2</sup> nor  $-94$  dBW/m<sup>2</sup>, respectively. The U.S. has full use of the frequencies in these regions up to the border in the bands 932.25–932.50 MHz and 941.25–941.50 MHz, and Canadian stations may operate on a secondary basis provided they do not exceed the respective PFDs shown above. PFD can be determined using the following formula:  $PFD \text{ (dBW/m}^2\text{)} = 10 \log [EIRP/4\pi(D^2)]$ , where EIRP is in watts, D is in meters, and the power is relative to an isotropic radiator. The technical parameters are also limited by tables 1 and 2:

TABLE 1.—MAXIMUM RADIATED POWER

Class of station	Band MHz	Maximum EIRP		Maximum ERP <sup>1</sup>	
		Watts	dBW	Watts	dBW
Master .....	941.0–941.5	1000	30	600	27.8
Fixed Remote and Master .....	932.0–932.5	50	17	30	14.8

<sup>1</sup> Where ERP = EIRP/1.64.

(ii) Maximum antenna height above average terrain for master stations operating at a maximum power shall not

exceed 150 meters. Above 150 meters, the power of master stations shall be in accordance with following table:

TABLE 2.—ANTENNA HEIGHT—POWER REDUCTION TABLE

Antenna height above average terrain (meters)	EIRP		ERP	
	Watts	dBW	Watts	dBW
Above 305 .....	200	23	120	20.8
Above 275 to 305 .....	250	24	150	21.8
Above 245 to 275 .....	315	25	190	22.8
Above 215 to 245 .....	400	26	240	23.8
Above 180 to 215 .....	500	27	300	24.8
Above 150 to 180 .....	630	28	380	25.8

NOTE TO TABLE 2: This information is from the *Arrangement between the Federal Communications Commission and the National Telecommunications and Information Administration of the United States of America, and Industry Canada concerning the use of the bands 932 to 935 MHz and 941 to 944 MHz along the United States-Canada border* signed in 1994. This agreement also lists grandfathered stations that must be protected.

(2) *Canada—928–929 MHz and 952–960 MHz:*

Between Lines A and B and between Lines C and D, as defined in § 1.928(e) of this chapter, along the U.S./Canada border, U.S. stations operating in the 928.50–928.75 MHz and 952.50–952.75 MHz

bands are on an unprotected basis and may operate provided that they shall not transmit a power flux density (PFD) at or beyond the border greater than  $-100$  dBW/m<sup>2</sup>. The U.S. has full use of the frequencies in these regions up to the border in the bands 928.25–928.50 MHz and 952.25–952.50 MHz, and Canadian stations may operate on an unprotected basis provided they do not exceed the PFD above. Frequencies in the bands 928.00–928.25 MHz, 928.75–929.00 MHz, 952.00–952.25 MHz, and 952.75–952.85 MHz are available for use on a coordinated, first-in-time, shared

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basis subject to protecting grandfathered stations. New stations must provide a minimum of 145 km (90 miles) separation or alternatively limit the actual PFD of the proposed station to  $-100$  dBW/m<sup>2</sup>, at the existing co-channel master stations of the other country, or as mutually agreed upon on a case-by-case basis. Coordination is not required if the PFD at the border is lower than  $-100$  dBW/m<sup>2</sup>. The technical criteria are also limited by the following:

Maximum EIRP for master stations in the MHz band: 1000 watts (30 dBW) 952–953

Maximum EIRP for fixed remote stations or stations in the 928–929 MHz band: 50 watts (17 dBW) master

Maximum EIRP for mobile master stations: 25 watts (14 dBW)

Maximum antenna height above average master or control stations: 152 m at 1000 watts terrain for EIRP, power derated in accordance with the following table:

Antenna height above average terrain (m)	EIRP	
	Watts	dBm
Above 305 .....	200	53
Above 275 to 305 .....	250	54
Above 244 to 274 .....	315	55
Above 214 to 243 .....	400	56
Above 183 to 213 .....	500	57
Above 153 to 182 .....	630	58
Below 152 .....	1000	60

NOTE TO TABLE IN PARAGRAPH (d)(2): This information is from the *Arrangement between the Department of Communications of Canada and the Federal Communications Commission of the United States of America Concerning the Use of the Bands 928 to 929 MHz and 952 to 953 MHz along the United States-Canada Border* signed in 1991. This agreement also lists grandfathered stations that must be protected.

(3) *Mexico:*

Within 113 kilometers of the U.S./Mexico border, U.S. stations operating in the 932.0–932.25 MHz and 941.0–941.25 MHz bands are on a secondary basis (non-interference to Mexican primary licensees) and may operate provided that they shall not transmit a power flux density (PFD) at or beyond the border greater than  $-100$  dBW/m<sup>2</sup>. Upon notification from the Commission, U.S. licensees must take proper measures to eliminate any harmful interference caused to Mexican primary assignments. The U.S. has full use of the frequencies in these regions up to the border in the bands 932.25–932.50 MHz and 941.25–941.50 MHz, and Mexican stations may operate on a secondary basis (non-interference to U.S. primary licensees) provided they do not exceed the PFD shown above. Stations using the 932–932.5 MHz band shall be limited to the maximum effective isotropic radiated power of 50 watts (17 dBW). Stations using the 941–941.5 MHz band shall meet the limits in the following table:

Antenna height above average mean sea level (meters)	EIRP	
	Watts	dBW
Above 305 .....	200	23
Above 274 to 305 .....	250	24
Above 243 to 274 .....	315	25
Above 213 to 243 .....	400	26
Above 182 to 213 .....	500	27
Above 152 to 182 .....	630	28
Up to 152 .....	1000	30

NOTE TO TABLE IN PARAGRAPH (d)(3): This information is from the *Agreement between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border, Protocol #6 Concerning the Allotment and Use of Channels in the 932–932.5 and 941–941.5 MHz Bands for Fixed Point-to-Multipoint Services Along the Common Border* signed in 1994.